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FIFTH MEETING OF THE PARTIES
TO THE MONTREAL PROTOCOL ON SUBSTANCES
THAT DEplete THE OZONE LAYER

Bangkok, 17-19 November 1993

REPORT OF THE EXECUTIVE DIRECTOR TO THE FIFTH MEETING
OF THE PARTIES

Introduction

1. The present report reviews the status of implementation of the Montreal Protocol and the actions taken to implement the decisions taken by the Fourth Meeting of the Parties to the Montreal Protocol and present proposals for further action by the Fifth Meeting of the Parties to the Montreal Protocol, 17-19 November 1993, in Bangkok.

A. *Implementation of the decisions of the Fourth Meeting*

2. A report on the status of the implementation of the decisions of the Fourth Meeting is annexed to the present report. As a result of the implementation of the provisions of the Protocol and of the decisions of the Meetings of the Parties, the Fifth Meeting of the Parties will have, *inter alia*, the following matters before it for its consideration and decision.

B. *Status of ratification*

3. Since the Fourth Meeting of the Parties, 28 countries have ratified the Montreal Protocol and 32 the London Amendment to the Montreal Protocol taking the total Parties to the Montreal Protocol to 122 and the Parties to the London Amendment to 66. The Copenhagen adjustments and Amendment, approved by the Fourth Meeting of the Parties, has been notified and communicated to the Governments on 22 March 1993 by Secretary-General of the United Nations, the Depository of the Protocol. The adjustments will enter into force for all the Parties on 22 September 1993, in accordance with the provisions of Article 2, paragraph 9 (d) of the Protocol. The Amendment will enter into force on 1 January 1994 if at least 20 instruments of ratification are received before that date. Otherwise, it will enter into force on the ninetieth day after the receipt of the twentieth instrument of ratification. As on 12 August 1993, seven Parties, Antigua and Barbuda, Bahamas, Malaysia, Marshall Islands, New Zealand, Saudi Arabia and Sweden had ratified the Copenhagen Amendment. Universal participation is necessary to ensure the protection of the ozone layer.

4. *Proposal for action.* The Fifth Meeting of the Parties may urge all the countries which have not yet done so, to ratify, approve or accede to the Montreal Protocol and its Amendments.

C. Implementation matters

1. Implementation of the Protocol by the Parties

5. The report of the Secretariat on information provided by the Parties in accordance with Articles 4, 7 and 9 of the Protocol (UNEP/OzL.Pro.5/5) and the reports of the Implementation Committee (UNEP/OzL.Pro/ImpCom/5/3 and 6/3) on its fifth and sixth meetings have been communicated to Governments and all the relevant organizations. These reports are being considered under item 4 of the provisional agenda for the Meeting. The reports reveal that the implementation of the Protocol by those Parties that have reported data is very satisfactory and, in most cases, beyond what is required by the Protocol. However, it is a matter of regret that not all Parties are reporting or reporting in time. This detracts from the excellent response of the Parties to the concerns about ozone depletion.

6. *Proposal for action.* The Fifth Meeting of the Parties may wish to note with satisfaction the implementation of the provisions of the Protocol by the Parties which have so far reported data. The meeting may also wish to note that it is a legal obligation of each Party to report data in time and urge all Parties to do so.

2. Membership of the Implementation Committee

7. According to the non-compliance procedure, approved by the Fourth Meeting of the Parties in decision IV/5, the Implementation Committee consists of 10 Parties elected for two years, based on equitable geographic distribution. Outgoing Parties may be re-elected for one consecutive term. In decision IV/6, the Fourth Meeting confirmed the positions of Cameroon, Chile, Russian Federation, Thailand and United States of America for one further year and selected Argentina, Austria, Bulgaria, Republic of Korea and Uganda for a two-year period.

8. *Proposal for action.* The Fifth Meeting may wish to select the members of the Implementation Committee for the next year.

3. Application of trade measures under Article 4 to non-Parties to the Protocol

9. Decision IV/17 C, permits relaxation of control of trade, prescribed by Article 4 of the Protocol, for non-Parties which report their data to the Secretariat before 31 March 1993 with respect to their compliance with Articles 2, 2 A to 2 E and 4 of the Protocol. The following non-Parties to the Protocol or the London Amendment have submitted data in accordance with this decision:

(a) Non-Parties to the Montreal Protocol:

- | | |
|-----------------------|--|
| 1. Comoros | 2. Congo |
| 3. Dominican Republic | 4. Gabon |
| 5. Guyana | 6. Lao People's
Democratic Republic |
| 7. Lithuania | 8. Madagascar |
| 9. Mali | 10. Myanmar |
| 11. Suriname | 12. Viet Nam |

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(b) *Parties to the Montreal Protocol not party to the London Amendment:*

- | | |
|----------------|----------------|
| 1. Belgium | 2. Hong Kong |
| 3. Jordan | 4. Malta |
| 5. Nicaragua | 6. Philippines |
| 7. Poland | 8. Sudan |
| 9. Turkey | 10. Uruguay |
| 11. Yugoslavia | |

In accordance with the decision, the data submitted has been communicated to all the Parties and was placed before the sixth meeting of the Implementation Committee held in Geneva on 26 August 1993. The report of the sixth meeting has been circulated as UNEP/OzL.Pro/ImpCom/6/3.

10. *Proposal for action:* The Fifth Meeting of the Parties may wish to consider and take appropriate decisions with regard to control of trade with the countries which have submitted data.

4. *Status of certain Parties vis à vis Article 5 of the Protocol*

11. In the report of the Secretariat on data submitted to the Fourth Meeting of the Parties to the Protocol in November 1992 (UNEP/OzL.Pro.4/6), four Parties which are developing countries (Bahrain, Malta, Singapore and United Arab Emirates) were classified as Parties *not* operating under Article 5. In case of Bahrain and United Arab Emirates, this classification was based on the Secretariat's estimate of their per capita consumption. In case of Malta and Singapore, it was based on data submitted by the countries themselves. Since then, Malta and Bahrain have submitted data which proves that their consumption is below the ceiling specified in Article 5. Hence they are now classified as operating under Article 5, paragraph 1. Of the new Parties to the Protocol, Brunei Darussalam, Kuwait and Saudi Arabia have been classified as *not* operating under Article 5, paragraph 1. This classification is based on Secretariat's estimates of consumption in Kuwait and Saudi Arabia and on the fact that Brunei Darussalam is classified in the high income country in the 1992 *World Development Report* of the World Bank. This classification is temporary pending the submission of data by these three Parties. The classification will be re-examined by the Secretariat on the basis of the consumption data they submit and the result will be communicated to all the Governments.

12. *Proposal for action.* The Fifth Meeting of the Parties may wish to approve this temporary classification of Brunei Darussalam, Kuwait and Saudi Arabia as *not* operating under Article 5, paragraph 1.

5. *Revised format for submission of data*

13. The Copenhagen Amendment approved by the Fourth Meeting of the Parties is expected to enter into force shortly. This Amendment has listed additional controlled substances and also provided for reporting of import and export of recycled substances. Taking this Amendment into account, the formats approved earlier by the Third Meeting of the Parties in 1991 have been revised and the revised versions will be before the Meeting in document UNEP/OzL.Pro.5/7. These revised formats were also considered by the Implementation Committee at its sixth meeting, where the Committee recommended their approval by the Meeting of the Parties.

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14 *Proposal for action.* The Fifth Meeting of the Parties may wish to consider and, as appropriate, approve the revised format for submission of data by Parties under Article 7 of the Protocol.

D. *Multilateral Fund for the Implementation of
the Montreal Protocol*

1. *Three-year plan and budget of the Multilateral
Fund for the period 1994-1996*

15. The Financial Mechanism, including the Multilateral Fund, has been established with the Fund Secretariat at Montreal, Canada, and the Executive Committee is continuing to operate under the agreements, procedures and guidelines applicable to the Interim Multilateral Fund, as decided by the Fourth Meeting in section I of its decision IV/18. The total contributions for 1993 to the Fund have been set at \$113.34 million. The status of contributions, as on 31 July 1993, is as follows.

Year	Pledges (US\$ million)	Contributions (US\$ million)
1991 and 1992	126.66	102.28
1993	113.34	21.32

16. The following Parties which have not remitted the full contributions: Bahrain, Belarus, Bulgaria, Czechoslovakia, France, Greece, Hungary, Italy, Portugal, Russian Federation, Ukraine, United Arab Emirates and United Kingdom.

17. In accordance with decision IV/21, the Executive Committee has submitted its report on the temporary difficulties encountered by some countries in making contributions (UNEP/OzL.Pro/WG.1/9/5). This report was considered by the ninth meeting of the Open-ended Working Group held in Geneva from 30 August to 1 September 1993. The report of this meeting is contained in document UNEP/OzL.Pro/WG.1/9/7.

18. In accordance with decision IV/18, section II, the Executive Committee has submitted its reports on the operation of the Financial Mechanism since 1 January 1991 and on its three-year plan and budget for 1994-1996, circulated as documents UNEP/OzL.Pro/WG.1/9/3 and UNEP/OzL.Pro/WG.1/9/4. These documents were also considered by the Open-ended Working Group at its ninth meeting.

19. *Proposal for action.* The issues relating to the Multilateral Fund are being considered under item 5 of the provisional agenda. In deciding upon the plan and budget of the Multilateral Fund for 1994-1996 and other related issues based on the recommendations of the Open-ended Working Group, the Fifth Meeting of the Parties may wish to consider the following.

(a) Almost all the significant consumers of the controlled substances which are developing countries have ratified the Protocol;

(b) Many of these developing countries have expressed their intention to phase out the consumption of the controlled substances as early as possible, even earlier than mandated by the Protocol if the requisite technologies and financial cooperation to meet the incremental costs are

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made available;

(c) The consumption of the developing countries is growing fast. This is detrimental to the ozone layer. In addition, the incremental costs which the Fund has to meet will be much higher if the developing countries are not assisted to adopt alternative technologies/substances sooner through higher allocations now;

(d) The implementing agencies, particularly the World Bank, have streamlined their procedures and are now in a much better position to implement the projects;

(e) Higher allocations would motivate the developing countries and the implementing agencies to perform better and enable earlier phase-outs.

2. *Membership of the Executive Committee*

20. By decision IV/20, paragraph 4, the Fourth Meeting of the Parties endorsed the selection of Canada, France, Japan, Netherlands, Norway, Russian Federation and the United States of America as members of the Executive Committee representing Parties not operating under paragraph 1 of Article 5 and the selection of Brazil, Egypt, Ghana, Jordan, Malaysia, Mauritius and Venezuela as members representing the Parties operating under paragraph 1 of Article 5, for one year. It also endorsed the selection of United States of America as Chairman and Malaysia as Vice-Chairman. In accordance with the terms of reference of the Executive Committee approved by the Fourth Meeting of the Parties (UNEP/OzL.Pro.4/15, annex X), the Executive Committee is to consist of seven members each from the Groups of Parties operating under Article 5, paragraph 1 and Parties not so operating. Each group is to elect its Executive Committee members and the members of the Executive Committee have to be formally endorsed by the Meeting of the Parties. The Chairman and the Vice-Chairman have to be selected from fourteen Executive Committee members. The office of Chairman is subject to rotation, on an annual basis, between the Parties operating under paragraph 1 of Article 5 and the Parties not so operating. The group of Parties entitled to the chairmanship is to select the Chairman from among its members of the Executive Committee. The Vice-Chairman is to be selected by the other group from within their number.

21. *Proposal for action.* The group of the Parties operating under Article 5, paragraph 1, may select the members representing them in the Executive Committee for the next one year and also the Chairman of the Executive Committee for the next one year. The group of the Parties not so operating may also select their seven representatives in the Executive Committee and the Vice-Chairman for the next one year. The Fifth Meeting may wish to endorse these selections.

3. *Methodologies for the 1995 reviews called for in Article 5, paragraph 8, of the Protocol and decision IV/18, section II, paragraph 4*

22. Article 5, paragraph 8, of the Protocol as amended in 1990 reads as follows:

"A Meeting of the Parties shall review, not later than 1995, the situation of the Parties operating under paragraph 1 of this Article, including the effective implementation of financial cooperation and transfer of technology to them, and adopt such revisions that may be deemed necessary regarding the schedule of control measures applicable

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to those Parties."

23. By paragraph 4 of decision IV/18, section II, the Fourth Meeting decided:

"To evaluate and review, by 1995, the Financial Mechanism established by Article 10 of the Protocol and section I of the present decision, with a view to ensuring its continued effectiveness, taking into account chapters 9, 33 and 34, and all other relevant chapters, of Agenda 21 as adopted by the United Nations Conference on Environment and Development, held in Rio de Janeiro in June 1992."

24. *Proposal for action.* The two reviews mentioned above will need to be conducted by the Seventh Meeting of the Parties to the Montreal Protocol in 1995. The Fifth Meeting of the Parties may wish to decide on the methodologies for these reviews.

E. Scientific and environmental effects assessment

25. The Co-Chairs of the Scientific and Environmental Effects Assessment Panels will present a brief status of the assessment to the Fifth Meeting of the Parties. The Fifth Meeting may wish to take note of the status of the stratospheric ozone depletion and its environmental effects and take these into consideration while deciding on the issues placed before them.

F. Technology and economic assessment

1. Report of the Technology and Economic Assessment Panel

26. The report of the Technology and Economic Assessment Panel on the issues referred to it by the Fourth Meeting of the Parties has been circulated to all the Governments in English (the language in which it was prepared) in July 1993. The executive summary of this report has been circulated as document UNEP/OzL.Pro/WG.1/9/6. This report covers the following issues:

- (a) Recommendations on the nominations for production/consumption exemption for halons for 1994 for essential uses;
- (b) Progress in eliminating the controlled substances;
- (c) Technical and economic feasibility of identifying the products made with, but not containing controlled substances.

27. Annexed to the Panel's report is the report of the Halons Technical Options Committee, which has dealt with the following issues:

- (a) Nominations for Essential Uses of halons;
- (b) International halon bank management;
- (c) Standards to distinguish newly manufactured and recycled material;
- (d) Legal and institutional barriers to the international trade in recovered and recycled halons;
- (e) Technologies to reclaim contaminated halons.

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28. These reports were considered by the Open-ended Working Group at its ninth meeting and its recommendations are contained in document UNEP/OzL.Pro/WG.1/9/7, paras. 58 and 61.

29. *Proposal for action.* The Fifth Meeting may wish to take appropriate decisions on the recommendations of the Open-ended Working Group.

2. *Time-table for essential uses nomination*

30. Decision IV/25, paragraph 2, specifies that nominations for essential uses should be made to the Secretariat at least six months for halons and nine months for other substances prior to each Meeting of the Parties that is to decide on this issue. By paragraph 5 of the same decision, the Technology and Economic Assessment Panel was requested to submit its report at least three months before the meeting of the Parties in which a decision is to be taken.

31. It has become difficult for Meetings of the Parties to fix the date of the next Meeting, particularly when a country offers to host it, and the dates convenient for the country concerned have to be discussed subsequently. This uncertainty creates uncertainty regarding the last date for nominations on essential uses. In addition, since the Open-ended Working Group of the Parties has to consider the report of the Technical and Economic Assessment Panel on essential uses, and its report must be communicated to all the Governments 60 days prior to the Meeting of the Parties, the time prescribed to the Assessment Panel for the submission of its report, i.e. three months prior to the Meeting, is not adequate.

32. *Proposal for action.* In view of the foregoing, it is suggested that the last date for all essential use nominations might be fixed a year and a day before the start of the year in respect of which the exemption is being sought, i.e. nominations for exemptions for, for example, 1996 would have to be submitted, at the latest, by 31 December 1994. The Halons Technical Options Committee and the Technology and Economic Assessment Panel may be requested to submit their recommendations within three months of the deadline for nominations i.e., by 31 March. The Open-ended Working Group can consider the recommendations in May-June and send their report to the Meeting of the Parties, which could be held in September every year. The Fifth Meeting of the Parties may wish to consider this suggestion.

3. *Co-Chair of the Technology and Economic Assessment Panel*

33. The Fourth Meeting selected Mr. Andre Cvijak as a Co-Chair of the Technology and Economic Assessment Panel. Mr. Cvijak informed to the Secretariat in August 1993 that he is unable to discharge his duties as a Co-Chair in view of his many responsibilities and that he is nominating Dr. Suely Carvalho of Brazil, who is well versed on ozone issues, to be a Co-Chair. Dr. Carvalho has acted in this capacity during 1993, pending a decision by the Fifth Meeting of the Parties.

34. *Proposal for action.* The Fifth Meeting of the Parties may wish to take a decision on this nomination.

G. *Mandate of the Scientific Assessment Panel and the Technology and Economic Assessment Panel*

35. Article 4, paragraph 10, introduced by the Copenhagen Amendment to the Protocol reads as follows:

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"By 1 January 1996, the Parties shall consider whether to amend this Protocol in order to extend the measures in this Article to trade in controlled substances in Group I of Annex C and in Annex E with States not party to the Protocol."

36. Article 5, paragraph 1 *bis*, introduced by the Copenhagen Amendment into the Protocol reads as follows:

"The Parties shall, taking into account the review referred to in paragraph 8 of this Article, the assessments made pursuant to Article 6 and any other relevant information, decide by 1 January 1996, through the procedure set forth in paragraph 9 of Article 2:

"(a) With respect to paragraphs 1 to 6 of Article 2 F, what base year, initial levels, control schedules and phase-out date for consumption of the controlled substances in Group I of Annex C will apply to Parties operating under paragraph 1 of this Article;

"(b) With respect to Article 2 G, what phase-out date for production and consumption of the controlled substances in Group II of Annex C will apply to Parties operating under paragraph 1 of this Article; and

"(c) With respect to Article 2 H, what base year, initial levels and control schedules for consumption and production of the controlled substance in Annex E will apply to Parties operating under paragraph 1 of this Article."

37. *Proposal for action.* The Fifth Meeting of the Parties may request the Scientific Assessment Panel and the Technology and Economic Assessment Panel to assess, in accordance with Article 6 of the Protocol, the two issues contained in paragraphs 35-36 above and to submit their combined report, through the Secretariat, by 30 November 1994 at the latest, to the Seventh Meeting of the Parties. The Fifth Meeting may also request the Open-ended Working Group of the Parties to the Montreal Protocol to consider this report and submit its recommendations to the Seventh Meeting, in 1995.

H. *Trust Fund for the Montreal Protocol: Financial report for 1992 and budgets for 1994 and 1995*

38. The Financial report of the Trust Fund for the Montreal Protocol for 1992 has been circulated as document UNEP/OzL.Pro.5/3. The budgets for 1994 and 1995, along with explanatory notes, have been circulated as document UNEP/OzL.Pro.5/4. The budgets have been prepared taking into account the increased number of developing countries that are Parties, the mandate given by the Fourth Meeting to the Assessment Panels and the Open-ended Working Group and the likely increase in cost due to inflation. The status of contributions as on 31 October 1993 will be circulated during the Meeting. As can be seen, many Parties have not paid their contributions. The Secretariat cannot plan the Meeting of the Parties and their committees appropriately unless each Party pays its contributions promptly.

39. *Proposal for action.* The Fifth Meeting may wish to note the Financial report for 1992, approve the budgets for 1994 and 1995, and urge all the Parties to contribute their share in time.

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I. *Proposed amendment to the rules of procedure*

40. In the rules 16-18 of the rules of procedure for the meetings of the Parties to the Montreal Protocol deal with the presentation of credentials.

Rule 18 states that "credentials of representatives to the meetings of the Parties shall be submitted to the Executive Secretary of the Meeting if possible not later than 24 hours after the opening of the meeting". It further specifies that "the credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization". Rule 19 specifies that "the officers of any meeting shall examine the credentials and submit their report to the meeting".

41. The corresponding rules of procedure of the UNEP Governing Council are similar but do not require that either the Head of State or Government or the Minister for Foreign Affairs should issue the credentials. The rules provide for the Bureau of the Governing Council to examine the credentials and submit its report to the Council. In effect, the Bureau is given discretion in determining the validity of the credentials, whereas the Bureau of a Meeting of the Parties to the Montreal Protocol is expected to reject a credential from a representative of a country if it is not signed by the Head of State or Government or the Minister for Foreign Affairs. Many of the representatives who attend the Meetings of the Parties to the Protocol are unaware of this distinction and assume that a communication from their Permanent Representative to UNEP with regard to representation should be considered adequate credentials.

42. *Proposal for action.* It is therefore recommended that the last sentence of rule 18 of the rules of procedure for meetings of the Parties to the Montreal Protocol which reads "the credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs, or in the case of regional economic integration organization by the competent authority of that organization" be deleted. A similar change will be suggested for the rules of procedure for meetings of the Conference of Parties to the Vienna Convention.

Annex

REVIEW OF THE IMPLEMENTATION OF THE DECISIONS ADOPTED BY
THE FOURTH MEETING OF THE PARTIES TO THE MONTREAL
PROTOCOL (COPENHAGEN, 23-25 NOVEMBER 1992)

*Decision IV/1. Amendment adopted by the Second Meeting
of the Parties (London Amendment)*

1. *Action taken.* As on 31 July 1993, 66 States had ratified the London Amendment to the Montreal Protocol. On 27 January 1993, the Secretariat again notified all Governments of the trade provisions contained in Article 4 and their implications for non-Parties.

*Decisions IV/2, 3 and 4. Further adjustments and
reductions and further Amendment to the Protocol*

2. *Action taken.* The further adjustments and reductions and the further Amendment to the Protocol, approved by the Fourth Meeting of the Parties to the Protocol in Copenhagen in November 1992, were notified and communicated to all Governments and relevant agencies on 22 March 1993. The adjustments and reductions will enter into force for all the Parties on 22 September 1993, in accordance with the provisions of Article 2, paragraph 9 (d). The Executive Director has so informed all the Governments and urged early ratification of the Copenhagen Amendment to enable its entry into force on 1 January 1994 after ratification by 20 Parties. Seven Parties (Antigua and Barbuda, Bahamas, Marshall Islands, Malaysia, New Zealand, Saudi Arabia and Sweden) have ratified the Amendment so far.

Decision IV/5. Non-compliance procedure

3. *Action taken.* Noted and brought to the notice of the Implementation Committee.

Decision IV/6. Implementation Committee

4. *Action taken.* The fifth and sixth meetings of the Implementation Committee were convened on 9 March 1993 in Geneva and 26 August 1993 respectively. The reports of the Implementation Committee (UNEP/OzL.Pro/ImpCom/5/3 and UNEP/OzL.Pro/ImpCom/6/3) have been communicated to all the Governments.

Decision IV/7. Definition of developing countries

5. *Action taken.* Noted.

Decision IV/8. Participation of developing countries

6. *Action taken.* A total of \$240,000 is available in the budget for 1993 to enable participation of 40 persons from developing countries. As on 31 July 1993, the following financial assistance for the participation of developing countries in assessment panels and committees had been granted:

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		<i>No. of Participants</i>
(a) <i>Scientific Assessment Panel</i>		
Steering Committee for 1994 WMO/UNEP	-	4
International Ozone Science Assessment		
Meeting on Impact on Climate of Ozone	-	1
Change and Aerosols		
(b) <i>Technology and Economic Assessment Panel</i>		
Technology and Economic Assessment	-	2
Panel		
Methyl Bromide Technical Options	-	8
Committee		
Halons Technical Options Committee	-	7
Refrigeration AC and Heat Pumps	-	1
Technical Options Committee		
Aerosol Technical Options Committee	-	4
(c) <i>Environmental Effects Assessment Panel</i>	-	1

Decision IV/9. Data and information reporting

7. *Action taken.* As at 31 July 1993, only 42 Parties to the Protocol had reported data on production and consumption of controlled substances for 1991, as required by Article 7. Reminders were sent to all the non-reporting Parties in October 1992 and May 1993. At its fifth meeting, the Implementation Committee took note of that situation and, at its sixth meeting, it discussed the ways and means of improving the state of reporting with the representatives of the Multilateral Fund Secretariat and the implementing agencies of the Fund, i.e. the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), the United Nations Industrial Development Organization (UNIDO), and the World Bank.

Decision IV/10. Trade names of controlled substances

8. *Action taken.* Noted.

Decision IV/11. Destruction technologies

9. *Action taken.* Noted. In January 1993, the Technology and Economic Assessment Panel was informed of its mandate with regard to destruction technologies.

*Decision IV/12. Clarification of the definition
of controlled substances*

10. *Action taken.* Noted. In January 1993, the Technology and Economic Assessment Panel was informed concerning its mandate in that regard.

Decision IV/13. Assessment panels

11. *Action taken.* In January 1993, the Co-Chairs of the assessment panels were informed about their mandates.

Decision IV/14. Transshipment of controlled substances

12. *Action taken.* Noted.

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Decision IV/15. Situation whereby Parties operating under paragraph 1 of Article 5 exceed the consumption limit set in that Article

13. *Action taken.* Noted.

Decision IV/16. Annex D to the Montreal Protocol

14. *Action taken.* On 20 April 1993, Singapore notified the Depositary that, in compliance with decision IV/16, paragraph 2, it had approved the full list of products under Annex D. Thus, the Annex is applicable to all Parties to the Protocol.

Decision IV/17 A. Trade issues

15. *Action taken.* Noted.

Decision IV/17 B. Application to Columbia of paragraph 8 of Article 4 of the amended Montreal Protocol

16. *Action taken.* Noted.

Decision IV/17 C. Application of trade measures under Article 4 to non-Parties to the Protocol

17. *Action taken.* On 27 January 1993, the Secretariat notified all non-Parties of the provisions of paragraphs 2 and 2 *bis* of Article 4 and the effect of those provisions on the ability of non-Parties to import controlled substances. In that notification, the Secretariat explained that, pursuant to decision IV/17 C, non-Parties had until 31 March 1993 to submit data showing their compliance with the relevant provisions of the Protocol in order to be exempted from the trade controls in paragraphs 2 and 2 *bis* of Article 4 till the Fifth Meeting of the Parties to the Protocol.

18. By 31 March 1993, 12 non-Parties to the Montreal Protocol and 11 Parties to the Protocol but not Parties to the London Amendment to the Montreal Protocol had submitted data to the Secretariat. On 1 April 1993, the Secretariat communicated to all countries which produce controlled substances the list of non-Parties that had complied with decision IV/17 C, together with the list of Parties to both the Montreal Protocol and the London Amendment, as at 31 March 1993. Some of these non-Parties have subsequently ratified the Protocol. The data submitted by non-Parties to the Protocol and the London Amendment were communicated to all Parties on 5 May 1993. The data was considered by the Implementation Committee at its sixth Meeting, held in Geneva on 26 August 1993.

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Decision IV/18. Financial Mechanism

19. *Action taken.* The Multilateral Fund has been made operative since 1 January 1993 with the Fund Secretariat at Montreal, Canada. The Executive Committee is functioning under the agreements procedures and guidelines applicable to the Interim Multilateral Fund.

20. The reports of the Executive Committee on the operation of the Financial Mechanism since 1 January 1991 and on its three-year plan and budget has been communicated to all the Governments in July 1993 as UNEP/OzL.Pro/WG.1/9/3 and UNEP/OzL.Pro/WG.1/9/4 respectively. These reports were considered by the Open-ended Working Group at its ninth meeting, held in Geneva from 30 August to 1 September 1993. The report of this meeting has been circulated to all the Governments as document UNEP/OzL.Pro/WG.1/9/7.

Decision IV/19. Budgets and financial matters

21. *Action taken.* The status of contributions as on 31 October 1993, will be placed before the meeting of the Parties.

Decision IV/20. Executive Committee of the Multilateral Fund

22. *Action taken.* The status of contributions to the Multilateral Fund as on 31 October 1993, will be placed before the meeting of the Parties.

Decision IV/21. Temporary difficulties encountered by Hungary, Bulgaria and Poland

23. *Action taken.* The report of the Executive Committee on temporary difficulties encountered by Hungary, Bulgaria and Poland has been communicated to all the Governments in July 1993 as document UNEP/OzL.Pro/WG.1/9/5. The report has been considered by the Open-ended Working Group at its ninth meeting.

Decision IV/22. Bureau of the Montreal Protocol

24. *Action taken.* Noted.

Decision IV/23. Methyl Bromide

25. *Action taken.* In January 1993, the mandate of the Scientific and Technology and Economic Assessment Panels in respect to methyl bromide was communicated to the Co-Chairs of those Panels. The Methyl Bromide Options Committee has met twice, in March 1993 and July 1993.

Decision IV/24. Recovery, reclamation and recycling of controlled substances

26. *Action taken.* In January 1993, the mandate of the Scientific and the Technology and Economic Assessment Panels on recovery, reclamation and recycling of controlled substances was communicated to the Co-chairs of the Panels in January 1993.

Decision IV/25. Essential uses

27. *Action taken.* In January 1993, the mandate of the Technology and Economic Assessment Panel on essential uses was communicated to the Co-Chairs of the Panel. All the Parties were requested to nominate the 1994 essential uses of halons by 15 May 1993 and 1995 essential uses of other

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controlled substances by 30 September 1993. Nominations for essential uses on halons were received from 27 countries - 15 Parties not operating under Article 5, 11 Parties operating under Article 5, paragraph, 1 and one non-Party. The nominations of the Parties operating under Article 5, paragraph 1, were not considered as the essential use controls will not be applicable to these Parties until the phase-out dates applicable to these Parties according to paragraph 7 of decision IV/25. The nomination of the non-Party has also not been considered. The reports of the Halon Technical Options Committee and the Technology and Economic Assessment Panel on those nominations were communicated to all the Governments and to the relevant agencies in July 1993 as document UNEP/OzL.Pro/WG.1/9/6. The issue has been discussed by the Open-ended Working Group at its ninth meeting, held in Geneva from 30 August to 1 September 1993.

Decision IV/26. International recycled halon bank management

28. *Action taken.* In January 1993, the mandate of the Halons Technical Options Committee and of the Technology and Economic Assessment Panel on the issue of international recycled halon bank management was communicated to the Co-Chairs of the Panel and of the Committee. The UNEP Industry and Environment Programme Activity Centre is functioning as a clearing-house for information relevant to international halon bank management and presented the status report during the first meeting of the Bureau, held in Geneva on 6 September 1993. The reports of the Halons Technical Options Committee and the Technology and Economic Assessment Panel on this issue were communicated to all the Governments and to the relevant agencies in July 1993. They have been considered by the Open-ended Working Group at its ninth meeting.

Decision IV/27. Implementation of paragraph 4 of Article 4 of the Protocol

29. *Action taken.* The report of the Technology and Economic Assessment Panel on the feasibility of banning or restricting, from States not party to the Protocol, the import of products produced with, but not containing, controlled substances in Annex A of the Protocol was circulated to all the Governments and to all the relevant agencies in July 1993 as document UNEP/OzL.Pro/WG.1/9/6. The issue has been discussed at the ninth meeting of the Open-ended Working Group.

Decision IV/28. Implementation of paragraph 3 bis of Article 4 of the Protocol

30. *Action taken.* In January 1993, the mandate of the Technology and Economic Assessment Panel regarding a list of products containing controlled substances from Annex B of the Protocol was communicated to the Co-Chairs of the Panel.

Decision IV/29. Meeting the needs of Parties operating under paragraph 1 of Article 5 of the Protocol

31. *Action taken.* Noted.

Decision IV/30. Hydrochlorofluorocarbons (HCFCs)

32. *Action taken.* In January 1993, the mandate of the Technology and Economic Assessment Panel on Hydrochlorofluorocarbons was communicated to the Co-Chairs of the Panel.

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*Decision IV/31. Fifth Meeting of the Parties to
the Montreal Protocol*

33. *Action taken.* The Fifth Meeting of the Parties to the Montreal Protocol is being held at Bangkok from 17 to 19 November 1993.

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